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FAX COVER SHEET

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DATE AND TIME: September 23, 2004

CLIENT-MATTER #: 14986.001 - David V. Smith (Smith/Root)

TO: Ms. Mary Holmes, U.S. Patent and Trademark Office

FAX NUMBER: (703) 305-7658

FROM: Jeffrey F. Craft

SENDER'S DIRECT DIAL #: (805) 988-8320 Direct fax: (805) 988-7720

MESSAGE: **U.S. Utility Patent Application No. 10/677,399 filed October 1, 2003 by David V. Smith on ELECTRIC FISH BARRIER FOR WATER INTAKES AT VARYING DEPTHS; Atty Dkt. No. HM-87423**

Dear Ms. Holmes:

Pursuant to your telephone conversation with Tawny Bryant-Schreck this morning, enclosed are copies of a Fee Transmittal Form, Informality re Payment of Fee and Check No. 51861 for \$232.00 in response to the Informality Notice issued regarding our Amendment filed on July 7, 2004. The original documents were mailed to the Patent

Facsimile to Ms. Mary Holmes
U.S. Patent and Trademark Office
September 23, 2004
Page 2

and Trademark Office on September 20, 2004 via regular U.S. Mail. Please let us know if you require any further information.

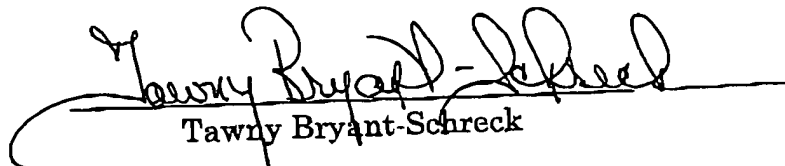
Respectfully submitted,



Jeffrey F. Craft, Reg. No. 30,044
Attorney for Applicant
Nordman, Cormany, Hair & Compton
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CERTIFICATE OF TRANSMISSION

I hereby certify that a six-page facsimile comprising this cover sheet and copies of a Transmittal Form dated September 20, 2004, Fee Transmittal for FY 2004, Informality re Payment of Fee and Check No. 51861 for \$232.00, is being transmitted via facsimile to the United States Patent and Trademark Office on September 23, 2004.



Tawny Bryant-Schreck

FOLLOW-UP ORIGINAL WILL BE SENT BY U.S. MAIL: 110
TOTAL NUMBER OF PAGES INCLUDING COVER PAGE: 6
PLEASE CALL THE FOLLOWING NUMBER IF FACSIMILE IS INCOMPLETE OR ILLEGIBLE: (805) 485-1000.

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0851-0031
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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number 10/677,399

Filing Date 10/01/2003

First Named Inventor David V. Smith

Art Unit 3543

Examiner Name Swiatek, Robert P.

Attorney Docket Number HM-87423

ENCLOSURES (Check all that apply)

- ☒ Fee Transmittal Form
- ☒ Fee Attached
- ☐ Amendment/Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation
- ☐ Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s)

- ☐ After Allowance communication to Technology Center (TC)
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):
- Informality re Payment of Fee
- Check No. 51861 for \$232.00
- Return receipt postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENTFirm or Individual name Nordman, Cormany, Hair & Compton
Jeffrey F. Craft

Signature

X

Date

X

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

Tawny Bryant-Schreck

Signature

Date

9/20/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 232.00)

Complete if Known

Application Number	10/677,399
Filing Date	10/01/2003
First Named Inventor	David V. Smith
Examiner Name	Swiatek, Robert P.
Art Unit	3643
Attorney Docket No.	HM-87423

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** = 21	9	189
Multiple Dependent	-3** = 1	43	43

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 88	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$ 232)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to Institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 840	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

0

SUBMITTED BY

Name (Print/Type)

Jeffrey F. Craft

Registration No.
(Attorney/Agent)

30,044

Telephone (805) 988-8320

Date

K 9/20/04

Signature

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Patent and Trademark Office**Address: **COMMISSIONER OF PATENTS AND TRADEMARKS**
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

INFORMALITY RE PAYMENT OF FEE

The informality regarding the payment of the fee in connection with ☐ the original filing fee ☒ the amendment filed 7-7-04 is indicated below.

A. FEE DUE

1. ☐ The amendment is considered incomplete in that the funds in Deposit Account No. _____ are insufficient to cover the entire fee due. The balance is due within the period set below.
2. ☐ The amendment is considered an incomplete response, in that payment of \$ _____ is insufficient to cover the claims as shown in the attached Patent Application Fee Determination Record. Remittance is due within the period set below.
3. ☐ The amendment has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account) the fee as indicated on the attached Patent Application Fee Determination Record. Remittance or authorization is due within the period set below.
4. ☐ The filing fee of \$ _____ submitted in this application is insufficient.
A balance of \$ _____ is due for additional claims.
5. ☒

APPLICANT IS GIVEN THE REMAINDER OF THE SET PERIOD FOR RESPONSE,
OR ONE (1) MONTH FROM THE DATE OF THIS LETTER, WHICHEVER IS LONGER,
WITHIN WHICH TO REMIT THE FEE OF \$ 232.

B. EXCESS PAYMENT:

5. ☐ It is noted that payment of \$ _____ is in excess of the amount necessary to cover the claims now in the application. See the attached Patent Application Fee Determination Record.
This matter of refund or credit to your account is being referred to the Finance Officer, for his consideration.

CLERK OF COURT

51861

NORDMAN, CORMANY, HAIR & COMPTON

DATE	INVOICE NUMBER	MEMO	BALANCE
9/20/2004	9/20/04	14986.003 Fees for extra claims submitted in Rule 111	232.00
Account No	Description	Amount	
1052-0000	Hard Costs Advanced	232.00	
CHECK DATE 9/20/2004	CHECK NUMBER 51861	TOTAL	232.00

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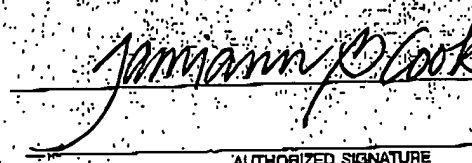
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In re U.S. utility patent application No. 10/677,399 filed 10/01/2003 on
ELECTRIC FISH BARRIER FOR WATER INTAKES AT VARYING
DEPTHS by David V. Smith et al; Atty Dkt No. HM-87423 (14986.003) -

Enclosures: Transmittal Form (SB/21) (1 page)
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